REMARKS

Claims 1-7, 9-19 and 21-24 remain pending in the application. Favorable reconsideration of the application is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicants again acknowledge with appreciation the indicated allowability of claims 10-12 and 22-24. These claims will be in condition for allowance upon being amended to independent form.

II. REJECTION OF CLAIMS 1, 2, 4-9, 13, 14 AND 16-21 UNDER 35 USC §102(b)

Claims 1, 2, 4-9, 13, 14 and 16-21 remain rejected under 35 USC §102(b) based on *Tasaka et al.* Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Applicants respectfully submit that a *"predetermined test recording pattern"* as taught in *Tasaka et al.* does **not** constitute an *"arbitrary random signal sequence"* as recited in independent claims 1 and 13. Consequently, the rejection is improper and should be withdrawn.

In their response filed December 19, 2006, applicants argued how *Tasaka et al.* did not teach or suggest a recording/reproduction apparatus in which the reproduction signal was a signal obtained *reproducing an "arbitrary random signal sequence".* Applicants argued that *Tasaka et al.* teaches using a *"predetermined test recording pattern".*

The Examiner responds to applicants' argument on page six of the Office action. Specifically, the Examiner indicates that the *"predetermined test recording pattern"* of

Tasaka et al. is being interpreted as being a *"'predetermined' arbitrary random test recording pattern"* as claimed.

Applicants respectfully submit that one cannot reasonably interpret a "predetermined test recording pattern" as taught in *Tasaka et al.* to be an "arbitrary random signal sequence" as recited in claims 1 and 13. The Examiner argues that simply because a signal is predetermined, it does not necessarily mean that the signal cannot be a predetermined random signal. Applying this very same logic, however, simply because a signal is a *"predetermined signal"* does not mean that the signal is necessarily a *"predetermined random signal"*.

Tasaka et al. makes no mention of the signal being anything other than a predetermined signal. A "predetermined signal" is by no means necessarily a random signal, predetermined or not. Thus, the Examiner's logic becomes flawed.

More specifically, *Tasaka et al.* does not disclose either "random" or "arbitrary", and hence would not disclose the advantages of the claimed arbitrary random signal sequence of the claimed invention. Applicants refer, for example, to the present specification at page 12, line 17 to page 13, line 4, where the advantages of using a random sequence as claimed are discussed.

Since *Tasaka et al.* does not expressly teach or suggest a "random sequence", the Examiner must show that such feature is inherent in the disclosure of *Tasaka et al.* else the rejection must be withdrawn. To wit, MPEP §2131.01(III) recites:

> *To Show that a Characteristic Not Disclosed in the Reference is Inherent*
>
> *To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Continental Can Co. USA v. Monsanto Co., 948 F2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991) (Emphasis Added).*

Again, however, the "*predetermined test recording pattern*" of *Tasaka et al.* is by no means necessarily *"random"*. Nor is it even likely that the pattern would be "random". A "predetermined" pattern is typically just that, "predetermined" and *not* random. Therefore, a feature of being random is *not* inherent in the disclosure of *Tasaka et al.*

Consequently, *Tasaka et al.* has not been found to expressly *or* inherently teach the feature of an *"arbitrary random signal sequence"* as recited in claims 1 and 13. Absent such teaching, applicants respectfully submit that the rejection is improper and should be withdrawn.

Applicants hereby incorporate by reference the arguments set forth in their previous response, and ask that the rejection be withdrawn.

III. REJECTION OF CLAIMS 3 AND 15 UNDER 35 USC §103(a)

Claims 3 and 15 stand rejected under 35 USC §103(a) based on *Tasaka et al.* in view of *Nakajima et al.* Applicants respectfully request withdrawal this rejection for at least the following reasons.

Claims 3 and 15 depend from claims 1 and 13, respectively, and may be distinguished over the teachings of *Tasaka et al.* for at least the same reasons discussed above. Furthermore, *Nakajima et al.* does not make up for the above-discussed deficiencies in *Tasaka et al.*

Specifically, *Nakajima et al.* teaches that a random test pattern is undesirable as it requires a considerable amount of time. Instead, *Nakajima et al.* teaches that a test pattern may be randomly selected from a *predetermined selection* of test patterns. Such a predetermined selection of test patterns clearly is not "random and arbitrary" as recited in amended claims 1 and 13.

Accordingly, *Nakajima et al.* teaches directly away from the features of amended claims 1 and 13.

Applicants therefore respectfully request withdrawal of the rejection.

IV. CONCLUSION

Accordingly, all claims 1-7, 9-19 and 21-24 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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